

connected together along the side seam. Support for this amendment appears in the specification at page 25, lines 10-12. Accordingly claims 9-19 and 22-31 form the subject matter of the response. No new matter is added by these amendments. **A Version Of Claims With Markings To Show Changes Made** is submitted herewith as Appendix A.

As an initial matter, on page 4 of the Office Action dated November 29, 2000, the Examiner requested that a copy of the Assignment filed on December 18, 1998 be provided as it does not appear in the file wrapper. Accordingly, Applicants are including a copy of the Assignment filed December 18, 1998 and a copy of the Notice of Recordation herewith as Appendix F. The Examiner is thanked for her assistance in this regard.

The trademarks have been amended to include all capitals and delete the symbol as suggested by the Examiner. Applicants assert that such trademarks have a fixed and definite meaning to those skilled in the art. As a result, Applicants respectfully assert that the use of trademarks throughout the specification, as amended, is proper.

A substitute set of Figs. 3 and 4 have also been submitted (Appendix D) to reflect the amendments as suggested by the Examiner. Accordingly, Applicants respectfully assert that the Examiner's objection to the Figures have been obviated.

The Examiner has also objected to the Abstract of the disclosure. In particular, the Examiner asserts that the Abstract was not consistent in scope to the invention as claimed. It is believed that this objection has been obviated in view of the amended Abstract, submitted herewith (Appendix E). No new matter is added. The Abstract as amended is supported by at least the following portions of the specification: Page 6, lines 3-9 and lines 32-34; Page 7, lines 14-16; Page 13, lines 29-32; and Page 14, lines 1-5 and lines 9-18. The Examiner has further objected to the abstract, asserting that the terminology "pant-like" is unclear. Applicants respectfully disagree. In the last sentence of the abstract, the description of the absorbent article as "pant-like" is justified by the recitation that the absorbent article can "function in a similar manner to conventional training pants when in the prefastened configuration." This description clearly describes how the absorbent article of the present invention is "pant-like." Accordingly, Applicants respectfully assert that the Examiner's instant objection is in error.

The Examiner has also objected to the Disclosure because of several informalities. Initially, the Examiner objects to the Summary of the Invention asserting that the Summary of the Invention and the invention as claimed are not consistent in scope. Applicants direct the Examiner's attention to the substitute Summary of the Invention, included herewith (Appendices B & C). The Summary of the Invention has been amended to set forth the invention as recited in each of the

independent claims. Applicants respectfully assert that because of these amendments, the substitute Summary of the Invention obviates the Examiner's objection to the Summary of the Invention. In particular, the first paragraph in the Summary, as amended, is substantially identical to independent claim 9. The second paragraph in the Summary, as amended, is substantially identical to independent claim 15. Finally, the third paragraph in the Summary, as amended, is substantially identical to independent claim 26. As a result, the subject matter recited in all of the independent claims is clearly set forth in the Summary. Since the independent claims have the broadest scope, Applicants respectfully assert that it follows that the Summary of the Invention is commensurate in scope and consistent with the subject matter of the claims. Accordingly, the Examiner's objection to the Summary of the Invention has been obviated.

The Disclosure is further objected to because the Examiner believes "the term 'pant-like' used the (sic) throughout the description is unclear, i.e. how like pants?" Applicants respectfully disagree. As discussed above with regard to the abstract, the description of the absorbent article of the present invention as pant-like is justified throughout the Description. For example, Applicants direct the Examiner's attention to page 6, lines 5-9 of the Description. As recited therein, the "absorbent articles of the present invention can function in a similar manner to conventional training pants when left in the prefastened, pant-like configuration..." As such, the pant-like disposable absorbent articles of the present invention are like pants because they are capable of functioning similar to conventional training pants when they are left in the prefastened configuration. Accordingly, Applicants respectfully assert that the Examiner's instant objection is in error.

The Disclosure is further objected to because the Examiner believes that "on pages 21-24, Applicants disclose a number of methods but refer to Figure 4 which only shows one of the methods. The figure and the description should consistently describe one method and indicate the other methods as not shown." Applicants respectfully assert that the Disclosure, as amended, obviates the Examiner's instant objection. The Examiner is thanked for her suggestions in this regard.

The Examiner has also objected to the claims. The claims have been amended as suggested by the Examiner. Therefore, it is believed that all of the Examiner's objections have been obviated in view of the above amendments to the specification and to the claims.

By way of the Office Action mailed November 29, 2000, the Examiner rejected claims 1-29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The claims in

question have either been canceled (claims 1 and 21) or amended (claims 9, 15 and 26) as suggested by the Examiner to clarify that which is claimed and provide proper claim syntax. In regard to the Examiner's belief that the terminology "pant-like" as used in the claims is unclear, Applicants respectfully assert, as discussed above in regard to the use of "pant-like" in the specification and in the abstract, that there is ample support in the specification for describing the absorbent articles of the present invention as "pant-like." Moreover, Applicants have amended the remaining independent claims (claims 9, 15, and 26) to recite that the absorbent articles of the present invention are "prefastened." That is, as recited on page 6, lines 5-9 of the specification, the absorbent articles are configured to be provided and applied like conventional training pants if the wearer or the care-giver so desires. Accordingly, Applicants believe the rejections under §112, second paragraph, have been obviated in view of the amendments to the claims and specification as discussed above, or are in error.

By way of the Office Action mailed November 29, 2000, the Examiner rejected claims 1-8, 15-20 and 23-25 under 35 U.S.C. § 102 (e) as allegedly being anticipated and thus unpatentable over U.S. Patent No. 6,036,805 issued March 14, 2000 to McNichols (hereinafter "McNichols"). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

McNichols describes a method of making a prefastened disposable absorbent article. As illustrated in Fig. 3, the absorbent article includes a pair of opposed side panels attached to one of the waist regions. (See Col. 2, lines 32-34). Each of the opposed side panels includes a primary fastener that releasably engages the one waist region. (See Col. 2, lines 40-43). Each of the side panels also defines side portions that extend laterally outward beyond the side edges of the absorbent article in the one waist region. The side portions of the side panels are also secured to the side edges of the absorbent article in the opposite waist region to provide the prefastened absorbent article. (See Col. 2, lines 43-46). In particular, to the best of the Applicants' understanding, the Examiner apparently believes that the Figures, column 13, line 23 and column 16, lines 15-17 of McNichols discloses the absorbent article of the present invention.

Claims 1-8 and 20 have been cancelled. Claims 15-19 and 23-25, as amended, are directed to a pant-like, prefastened, refastenable disposable absorbent article which includes an absorbent chassis and a pair of opposed back panels that are permanently attached to the side edge of the absorbent chassis in the back waist region of the absorbent article. The absorbent article also includes a pair of opposed front panels that are refastenably attached to the side edge of the absorbent chassis in the front waist region of the absorbent article to provide a refastenable joint.

The front panels and the back panels are also permanently connected together along a side seam to define a waist opening and a pair of leg openings providing the pant-like, prefastened, refastenable, disposable absorbent article. The absorbent article also includes a fastener located on each of the front panels that is releasably engaged with the exterior surface of the absorbent chassis and a releasable bond located on each of the front panels that releasably bonds the front panels to the side edges of the absorbent chassis in the front waist region to provide a releasable joint.

In order to be anticipatory, a reference must describe each and every element of a claimed invention. However, McNichols does not disclose the pant-like, prefastened, refastenable disposable absorbent article of the present invention. That is, McNichols fails to disclose a pant-like, prefastened, refastenable disposable absorbent article that includes a pair of opposed back panels that are permanently attached to the side edge of the absorbent chassis in the back waist region of the absorbent article. Further, McNichols also does not disclose a pair of opposed front panels that are refastenably attached to the side edge of the absorbent chassis in the front waist region of the absorbent article. Moreover, McNichols does not disclose front and back panels being permanently connected together along a side seam to provide the pant-like, prefastened, refastenable, disposable absorbent article of the present invention. Instead, McNichols describes a prefastened disposable absorbent article with a pair of opposed side panels that each define side portions which extend laterally outward beyond the side edges of the absorbent article. A pair of side panels that define side portions clearly does not disclose a pair of front and back panels permanently connected together along a side seam. For at least these reasons, Applicants respectfully assert claims 15-19 and 23-25 are patentable under 35 U.S.C. §102(e) over McNichols.

In the Office Action mailed November 29, 2000, the Examiner rejects claims 1, 3-4, 15, 17, 20 and 23-25 under the judicially created doctrine of double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,036,805. Submitted herewith is a terminal disclaimer limiting the term of any patent that may issue based on the present application to the term of U.S. Patent No. 6,036,805. Applicants respectfully request that the Examiner withdraw the rejection.

By way of the Office Action mailed November 29, 2000, the Examiner rejected claims 1-7, 9-14 and 26-28 under 35 U.S.C. § 102 (b) as allegedly being anticipated and thus unpatentable over U.S. Patent No. 5,242,436 issued September 7, 1993 to Weil et al. (hereinafter "Weil"). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

Weil describes an absorbent article that has elasticized waistbands with a dual tensioning fastening system. (See Col. 2, lines 35-40). The dual tension fastening system comprises a primary fastening system and a waist closure that anchors a portion of the end edge of the absorbent article. (See Col. 2, lines 47-65). The absorbent article also includes a pair of side panels in each waist region. The absorbent article additionally preferably comprises a pair of elasticized side panels disposed in the second waist region. (See Col. 3, lines 8-11). In particular, to the best of the Applicants' understanding, the Examiner apparently believes that the Figures; column 14, lines 31-56; column 15, lines 59-63; column 23, lines 17-24; column 24, lines 10-19 (and thereby U.S. Patent 4,938,753 to VanGompel et al. (hereinafter "VanGompel")); and column 32, lines 6-12 of Weil disclose the absorbent article of the present invention.

Claims 1-7 have been cancelled. Claims 9-14, and 26-28, as amended, are directed to a pant-like, prefastened, refastenable disposable absorbent article which includes an absorbent chassis and a pair of opposed back panels that are permanently attached to the side edge of the absorbent chassis in the back waist region of the absorbent article. The absorbent article also includes a pair of opposed front panels that are refastenably attached to the side edge of the absorbent chassis in the front waist region of the absorbent article to provide a refastenable joint. The front panel and the back panel are also permanently connected together along a side seam to define a waist opening and a pair of leg openings providing the pant-like, prefastened, refastenable, disposable absorbent article.

In order to be anticipatory, a reference must describe each and every element of a claimed invention. However, Weil does not disclose the pant-like, prefastened, refastenable disposable absorbent article of the present invention. That is, Weil does not disclose a prefastened absorbent article including front and back panels that are permanently connected together along a side seam. While Weil may disclose an absorbent article with a pair of side panels in each waist region (Column 5, lines 53-55), Weil does not disclose an absorbent article that is prefastened, nor does Weil disclose front and back panels that are connected together along a side seam. In fact, at Column 36, lines 16-39, Weil describes the preferred method of applying the absorbent article disclosed therein to a wearer, stating that the "diaper is preferably applied to a wearer by positioning one of the waist regions, preferably the second waist region, under the wearer's back and drawing the remainder of the diaper between the wearers' legs so that the other waist region, is positioned across the front of the wearer." Accordingly, Weil clearly discloses an absorbent article that employs a conventional means of applying the absorbent article, therefore precluding disclosure of a prefastened absorbent article. While it is noted that the Examiner points out the incorporation of VanGompel into the disclosure of Weil at Column 24 lines 10-19, the incorporation

of VanGompel was made in order to disclose that “the elasticized side panels...may comprise a separate elastically extensible material or laminate joined to the diaper.” Accordingly the incorporation of VanGompel into Weil does not change the fact that Weil does not disclose a prefastened absorbent article with front and back panels that are connected together along a side seam. For at least these reasons, Applicants respectfully assert that claims 9-14 and 26-28 are patentable under 35 U.S.C. §102(b) over Weil.

New claims 30 and 31 depend from claim 9. Claim 30 further recites that the absorbent chassis comprises an outer cover, a bodyside liner that is connected to the outer cover in a superposed relation, and an absorbent core disposed between the outer cover and the bodyside liner. Claim 31 further recites that the front and back panels are a neck-bonded laminate. For the reasons set forth above, Applicants assert that the references relied upon by the Examiner do not anticipate claims 30 and 31. As such, Applicants respectfully assert that new claims 30 and 31 also are patentable under 35 U.S.C. §102(b) over Weil.

By way of the Office Action mailed November 29, 2000, the Examiner rejected claims 1 and 8, under 35 U.S.C. § 102 (b) as allegedly being anticipated and thus unpatentable over U.S. Patent No. 5,593,401 issued January 14, 1997 to Sosalla et al. This rejection is respectfully **obviated** as claims 1 and 8 have been cancelled.

By way of the Office Action mailed November 29, 2000, the Examiner rejected claims 15-20, and 23 under 35 U.S.C. § 102 (b) as allegedly being anticipated and thus unpatentable over U.K. Patent No. GB 2,288,316B published October 18, 1995 to Larsson (hereinafter “Larsson”). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

Larsson discloses an absorbent article in the form of a pants-type diaper. The diaper includes an elongated absorbent body enclosed between two casing sheets, which include side parts. (See Page 1, lines 3-8). The side parts at front and rear end parts of the absorbent body extend laterally beyond the body on both sides thereof, wherein mutually opposing front and rear side parts are joined together by means of a fastener element. (See Page 2, lines 5-9). The fastener element is attached to one of the mutually opposing side parts by a first, strong join and releasably and refastenably fastened to the other side part by means of a second join which is weaker than the first join. (See Page 2, lines 10-13). The second join also includes a first fastening that is destroyed when opening the second join for the first time. (See Page 2, lines 13-15). In particular, to the best of the Applicants' understanding, the Examiner apparently believes that the Figures, abstract, page 2, first full paragraph, page 5 line 29 – page 7, line 10 of Larsson disclose the absorbent article of the present invention.

Claim 20 has been canceled. Claims 15-19, and 23 as amended, are directed to a pant-like, prefastened, refastenable disposable absorbent article which includes an absorbent chassis and a pair of opposed back panels that are permanently attached to the side edge of the absorbent chassis in the back waist region of the absorbent article. The absorbent article also includes a pair of opposed front panels that are refastenably attached to the side edge of the absorbent chassis in the front waist region of the absorbent article to provide a refastenable joint. The front panel and the back panel are also permanently connected together along a side seam to define a waist opening and a pair of leg openings providing the pant-like, prefastened, refastenable, disposable absorbent article. The absorbent article also includes a fastener located on each of the front panels that is releasably engaged with the exterior surface of the absorbent chassis in the front waist region and a releasable bond located on each of the front panels that releasably bonds the front panels to the side edges of the absorbent chassis in the front waist region.

As an initial matter, because the Examiner directs the Applicants to the abstract of Larsson, and to the best of the Applicants' understanding, there is no abstract in Larsson, the Applicants are confused about the particular portions of Larsson that the Examiner believes discloses the present invention.

Secondly, in order to be anticipatory, a reference must describe each and every element of a claimed invention. However, Larsson does not disclose the pant-like, prefastened, refastenable disposable absorbent article of the present invention. That is, Larsson does not disclose an absorbent article including front and back panels that are permanently connected together along a side seam. Moreover, Larsson does not disclose an absorbent article that includes a fastener located on each of the front panels that is releasably engaged with the exterior surface of the absorbent chassis. Instead Larsson discloses a diaper that includes an elongated absorbent body enclosed between two casing sheets which include side parts. The side parts at front and rear end parts of the absorbent body are joined together by means of a fastener element (page 2, lines 7-9). The fastener element is attached to one of the mutually opposing side parts by a first, strong join and releasably and refastenably fastened to the other side part by means of a second join which is weaker than the first join. Accordingly, side parts at the front and rear end parts of the absorbent body joined together by a fastener clearly do not disclose a pair of front and back panels permanently connected together along a side seam. For at least these reasons, Applicants respectfully assert that claims 15-19 and 23 are patentable under 35 U.S.C. §102(b) over Larsson.

By way of the Office Action mailed November 29, 2000, the Examiner rejected claims 15, 21-22, 24, 26-27 and 29 under 35 U.S.C. § 102(b) as allegedly being anticipated and thus

unpatentable over U.S. Patent No. 5,370,634 issued December 6, 1994 to Ando et al. (hereinafter "Ando"). This rejection is respectfully **trav** rsed to the extent that it may apply to the presently presented claims.

Ando describes a drawers type disposable diaper. The front and rear waist body portions of the diaper are connected on each side of the diaper by hot melt adhesive or ultrasonic bonding. (See Col. 8, lines 11-14). The waist body portions are connected over only a part of the distance between the waist opening and the leg opening and remain unconnected over the remainder of the distance. The diaper also includes a fastening means on each side of the diaper to fasten together the front and rear waist body portions over some or all of the distance over which the waist bodies are unconnected to tighten the waist portions around the waist of the wearer. In particular, to the best of the Applicants' understanding, the Examiner apparently believes that the Figures; column 3, lines 35-40; and column 7 line 68 – column 8, line 15, disclose the absorbent article of the present invention. The Examiner also appears to believe that reference numeral 15 of Ando discloses side panels, that item "D" discloses a releasable bond, that adhesive on reference numeral 6 discloses a fastener, that reference numeral 6 discloses a front panel and reference numerals A1, A3 or both disclose a back panel.

Claim 21 has been canceled. Claims 15, 22, and 24, as amended, are directed to a pant-like, prefastened, refastenable disposable absorbent article which includes an absorbent chassis and a pair of opposed back panels that are permanently attached to the side edge of the absorbent chassis in the back waist region of the absorbent article. The absorbent article also includes a pair of opposed front panels that are refastenably attached to the side edge of the absorbent chassis in the front waist region of the absorbent article to provide a refastenable joint. The front panel and the back panel are also permanently connected together along a side seam to define a waist opening and a pair of leg openings providing the pant-like, prefastened, refastenable, disposable absorbent article. The absorbent article also includes a fastener located on each of the front panels that is releasably engaged with the exterior surface of the absorbent chassis in the front waist region and a releasable bond located on each of the front panels that releasably bonds the front panels to the side edges of the absorbent chassis in the front waist region.

As an initial matter, the Applicants respectfully point out that it is unclear what portion of Ando that the Examiner asserts is a releasable bond as there is no item "D" in Ando. Moreover, there is no A1 or A3. Finally, the Applicants are at a loss as to how reference numeral 6 of Ando

can disclose both a fastener and a front panel. Accordingly, Applicants are confused as to what the Examiner is directing the Applicants to with these references.

Secondly, In order to be anticipatory, a reference must describe each and every element of a claimed invention. However, Ando does not disclose the pant-like, prefastened, refastenable disposable absorbent article of the present invention. That is, Ando does not disclose an absorbent article including front and back panels that are permanently connected together along a side seam. Moreover, Ando does not disclose an absorbent article that includes a fastener located on each of the front panels that is releasably engaged with the exterior surface of the absorbent chassis in the front waist region to provide a releasable joint. Instead, at column 8, lines 1-14, Ando discloses an underpants type disposable diaper including side flaps that have connected portions. In particular, the connected portions are bonded together using hot melt adhesives or ultrasonics. At column 3, lines 35-40, Ando discloses that the connected side flaps "can easily be torn in the vertical direction at the connected portions..." As the diaper disclosed in Ando must be torn to separate the connected portions, Ando clearly does not disclose a pant-like refastenable disposable absorbent article with a pair of opposed front panels refastenably attached the absorbent chassis in the front waist region, as recited in the rejected claims, as amended. Thus, Ando fails to describe or suggest the pant-like, prefastened, refastenable, disposable absorbent article of the rejected claims. Instead, contrary to the claimed invention, Ando describes a diaper that includes a preconnected, manually tearable portion, which clearly precludes refastenability. For at least these reasons, Applicants respectfully assert that Ando does not anticipate claims 15, 22 and 24, as amended.

Claims 26, 27 and 29, as amended, are directed to a process of providing a pant-like, prefastened, refastenable disposable absorbent article which includes an absorbent chassis and a pair of opposed back panels that are permanently attached to the side edge of the absorbent chassis in the back waist region of the absorbent article. The absorbent article also includes a pair of opposed front panels that are refastenably attached to the side edge of the absorbent chassis in the front waist region of the absorbent article to provide a refastenable joint. The front panel and the back panel are also permanently connected together along a side seam to define a waist opening and a pair of leg openings providing the pant-like, prefastened, refastenable, disposable absorbent article.

As discussed above, Ando does not disclose the pant-like, prefastened, refastenable disposable absorbent articles of claims 26, 27, and 29. That is, Ando fails to disclose an absorbent article that includes a pair of opposed front panels that are refastenably attached to the

side edge of the absorbent chassis in the front waist region of the absorbent article to provide a refastenable joint. Instead, Ando, at column 8, lines 1-14 describes a diaper that includes a preconnected, manually tearable portion, which clearly precludes refastenability. For at least these reasons, Applicants respectfully assert that Ando does not anticipate claims 26, 27 and 29, as amended.

Accordingly, Applicants assert claims 15, 22, 24, 26, 27, and 29 are patentable under 35 U.S.C. §102(b) over Ando.

By way of the Office Action mailed November 29, 2000, the Examiner rejected claim 25 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Larsson in view of U.S. Patent No. 5,685,873 issued November 11, 1997, to Bruemmer (hereinafter "Bruemmer"). The Examiner acknowledges that Larsson does not disclose a releasable bond defining a peel strength more than 1500 grams. The Examiner believes that this is equivalent to the maximum force allowing opening or unfastening of the bond. The Examiner believes that Bruemmer teaches fasteners having a maximum unfastening force of no more than about 1500 grams so as to permit on (sic) adult to open such fastener but prevent a child from doing so. The Examiner believes, therefore, to employ a releasable bond defining a peel strength of no more than 1500 grams on the Larsson device would lack an inventive step (and) as such would be obvious. This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143. Larsson describes an absorbent article in the form of a pants-type diaper. The diaper includes an elongated absorbent body enclosed between two casing sheets that include side parts. (See Page 1, lines 3-8). The side parts at front and rear end parts of the absorbent body extend laterally beyond the body on both sides thereof, wherein mutually opposing front and rear side parts are joined together by means of a fastener element. (See Page 2, lines 5-9). The fastener element is attached to one of the mutually opposing side parts by a first, strong join and releasably and refastenably fastened to the other side part by means of a second join which is weaker than the first join. (See Page 2, lines 10-13). The second join also includes a first

fastening that is destroyed when opening the second join for the first time. (See Page 2, lines 13-15).

The Bruemmer patent is directed to a disposable absorbent garment including a pair of differentially stretchable ear members where each differentially stretchable ear member comprises a stretchable inner ear portion and a stretchable outer ear portion. A first fastening mechanism on each ear is releasably fastenable to the front of the article, and second fastenable members on the outermost portions of each stretchable ear are fastenable together at the front of the diaper when worn. In particular, at Column 4, line 55 – Column 5, line 4 Bruemmer teaches a snap fastener or other type of mechanical fastener, the primary purpose of which is to provide a childproof fastening system. Accordingly, Bruemmer teaches that the snap fastener should have a fastening force in the range of about 500 to about 1500 grams force.

The rejected claim depends from claim 15. Claim 15, as amended, is directed to a pant-like, prefastened, refastenable disposable absorbent article which includes an absorbent chassis and a pair of opposed back panels that are permanently attached to the side edge of the absorbent chassis in the back waist region of the absorbent article. The absorbent article also includes a pair of opposed front panels that are refastenably attached to the side edge of the absorbent chassis in the front waist region of the absorbent article to provide a refastenable joint. The front panel and the back panel are also permanently connected together along a side seam to define a waist opening and a pair of leg openings providing the pant-like, prefastened, refastenable, disposable absorbent article. The absorbent article also includes a fastener located on each of the front panels that is releasably engaged with the exterior surface of the absorbent chassis in the front waist region and a releasable bond located on each of the front panels that releasably bonds the front panels to the side edges of the absorbent chassis in the front waist region. Claim 25 further recites that the releasable bonds define a peel strength of no more than about 1500 grams.

Larsson neither teaches nor suggests the pant-like, prefastened, refastenable disposable absorbent article of claim 25. That is, Larsson does not teach or suggest an absorbent article including front and back panels that are permanently connected together along a side seam. Moreover, Larsson does not teach or suggest an absorbent article that includes a fastener located on each of the front panels that is releasably engaged with the exterior surface of the absorbent chassis. Further, Larsson does not teach or suggest an absorbent article that includes a releasable bond located on each of the front panels that releasably bonds the front panels to the side edges of the absorbent chassis in the front waist region, wherein the releasable bonds define a peel strength of no more than about 1500 grams. Instead, Larsson teaches a diaper that

includes an elongated absorbent body enclosed between two casing sheets that include side parts. The side parts at front and rear end parts of the absorbent body are joined together by means of a fastener element. The fastener element is attached to one of the mutually opposing side parts by a first, strong join and releasably and refastenably fastened to the other side part by means of a second join which is weaker than the first join. In, fact, Larsson, at page 6, lines 9-11 teaches away from the claimed invention by describing that "the front side parts of the pants-type diaper are joined to respective opposing rear side parts 9 and 10 by means of a fastener band 11." Conversely, the absorbent article of the presently rejected claims discloses front and back panels that are permanently connected together along a side seam, and a fastener located on each of the front panels that is releasably engaged with the exterior surface of the absorbent chassis. Moreover, Larsson does not teach or suggest a releasable bond located on each of the front panels that releasably bonds the front panels to the side edges of the absorbent chassis in the front waist region, wherein the releasable bonds define a peel strength of no more than about 1500 grams. Therefore, Applicants respectfully assert that Larsson does not render claim 25 obvious.

Moreover, Bruemmer fails to correct for the deficiencies of Larsson. That is, the combination of Larsson and Bruemmer fails to teach or suggest the pant-like, prefastened, refastenable, disposable absorbent articles as recited in the rejected claims. Bruemmer does not teach a pair of front and back panels that are permanently connected together along a side seam. In addition, Bruemmer does not teach or suggest a fastener located on each of the front panels that is releasably engaged with the exterior surface of the absorbent chassis. Further, Bruemmer does not teach or suggest a releasable bond located on each of the front panels that releasably bonds the front panels to the side edges of the absorbent chassis in the front waist region, wherein the releasable bonds define a peel strength of no more than about 1500 grams. At best, the combination of Larsson and Bruemmer teaches the pants-type diaper of Larsson with the fastener as taught by Bruemmer. Therefore, claim 25 is patentable under 35 U.S.C. § 103 over Larsson in view of Bruemmer.

The Examiner further cites references that were not relied upon but which are considered pertinent to Applicant's disclosure. Applicants have reviewed the cited references and assert that such references fail to teach or suggest the invention recited in the rejected claims. As a result, Applicants respectfully assert that claims 9-19, and 22-31 are patentable over the cited references.

In view of the above amendments and remarks, reexamination, reconsideration and withdrawal of the rejections of claims 9-19 and 22-31 under 35 U.S.C. §§ 102 and 103 are

respectfully requested. Moreover, it is respectfully submitted that all of the presently presented claims are in form for allowance and such action is earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at: (920) 721-2433.

Respectfully submitted,

THOMAS H. ROESSLER ET AL.

By: Thomas M. Gage
Thomas M. Gage
Registration No.: 33,385
Attorney for Applicants

CERTIFICATE OF MAILING

I, Barbara D. Miller, hereby certify that on June 22, 2001 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Box NON-FEE AMENDMENT, Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Barbara D. Miller
Barbara D. Miller